

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ARMONI MASUD JOHNSON,

Plaintiff,

v.

SUPERINTENDENT MCGINLEY, *et al.*,

Defendants.

No. 4:18-CV-01714

(Chief Judge Brann)

(Chief Magistrate Judge Mehalchick)

ORDER

NOVEMBER 22, 2022

Armoni Masud Johnson, a Pennsylvania state prisoner, filed this civil rights complaint, which he later amended, alleging that numerous defendants violated his constitutional rights during his incarceration.¹ On September 6, 2022, Chief Magistrate Judge Karoline Mehalchick issued a Report and Recommendation recommending that this Court grant Defendants' motion for summary judgment and deny Johnson's motion for summary judgment, for injunctive relief, and other miscellaneous motions.² On October 27, 2022, Johnson filed untimely objections to the Report and Recommendation.³

¹ Docs. 1, 24, 34.

² Doc. 142.

³ Doc. 160. This Court previously granted Johnson's motion for an extension of time to file objections, and those objections were due on or before October 14, 2022. Doc. 150. Johnson did not date his objections until October 24, 2022, and did not send his objections until that date at the earliest, and the objections are therefore untimely.

Where no timely objection is made to a report and recommendation, this Court will review the recommendation only for clear error.⁴ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁵ Upon review of the record, the Court finds no error—clear or otherwise—in Chief Magistrate Judge Mehalchick’s recommendations. Consequently, **IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Karoline Mehalchick’s Report and Recommendation (Doc. 142) is **ADOPTED**;
2. Defendants’ motion for summary judgment (Doc. 106) is **GRANTED**;
3. Judgment is entered in favor of Defendants and against Johnson;
4. Johnson’s motion for immediate injunctive relief (Doc. 98), motion for summary judgment (Doc. 121), motions for an order to recall the mandate or under Federal Rule of Civil Procedure 60(b) (Docs. 132, 139), and motion to compel the return of legal documents (Doc. 140), are **DENIED**;
5. Johnson’s motion to compel (Doc. 119), motion for an extension of time (Doc. 129), motions to stay (Docs. 143, 152, 159), motion for

⁴ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

⁵ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

reconsideration (Doc. 148), motion for an extension of time (Doc. 155), and motion pursuant to Federal Rule of Criminal Procedure 9 (Doc. 157), are **DENIED** as moot;

6. Johnson's motion for sanctions (Doc. 130) is deemed **WITHDRAWN**; and
7. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge